

40.55. PARKING DETERMINATION

40.55.05. Purpose.

The purpose of a Parking Determination is to establish required number of parking spaces for uses which do not have a parking ratio requirement listed in this Code. The Parking Determination application is established for determining the required number of off street parking spaces in advance of, or concurrent with, applying for approval of an application, development, permit, or other action. This Section is carried out by the approval criteria listed herein.

40.55.10. Applicability.

A Parking Determination may be requested in writing to establish a required off street parking ratio or specific number of off street parking spaces for use not specifically listed in Section 60.30 (Off Street Parking) of this Code, to share require parking spaces, and to determine the existence of excess required parking.

40.55.15. Application.

There are three (3) Parking Determination applications which are as follows: Parking Requirement Determination, Shared Parking, and Use of Excess Parking.

1. Parking Requirement Determination.

- A. Threshold. An application for Parking Requirement Determination shall be required when the following threshold applies:
 - 1. A request that the Director establish, in writing, an off street parking ratio or requirement for a use not listed or substantially similar to a use listed in Section 60.30 (Off Street Parking) of this Code.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Parking Requirement Determination. The decision making authority is the Director.

40.55.15.1.

- C. Approval Criteria. In order to approve a Parking Requirement Determination application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Parking Requirement Determination application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The determination is consistent with Title 2 of Metro's Urban Growth Management Functional Plan.
 4. The determination will not create adverse impacts, taking into account the total gross floor area, number of employees, potential customer volume, and the hours of operation of the use.
 5. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Parking Requirement Determination shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Parking Requirement Determination application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Parking Requirement Determination application to ensure compliance with the approval criteria.
- F. Appeal of Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Previous approval of Parking Requirement Determination application shall not be extended.

40.55.15.

2. Shared Parking.

- A. Threshold. An application for Shared Parking shall be required when one or more of the following thresholds apply:
 - 1. The required off street parking for two or more uses will share required parking spaces.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Shared Parking. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Shared Parking application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 - 1. The proposal satisfies the threshold requirements for a Shared Parking application.
 - 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 - 3. The location of the shared off street parking is on an abutting property and is within 200 feet of the subject use in which the shared parking is intended to serve, except in Multiple Use zoning districts where the location may be at any distance.
 - 4. If multiple properties are involved, the owners of each of the properties has agreed to the shared parking by entering into a shared parking agreement.
 - 5. The time of peak parking demand for the various uses located on the subject properties occur at different times of the day.
 - 6. Adequate parking will be available at all times when the various uses are in operation.

40.55.15.2.C.

7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Shared Parking shall be made by the owners of the subject properties, or the owners' authorized agents, on a form provided by the Director and shall be filed with the Director. The Shared Parking application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Shared Parking application to ensure compliance with the approval criteria.
- F. Appeal of Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Previous approval of Shared Parking application shall not be extended.

40.55.15.

3. Use of Excess Parking.

- A. Threshold. An application for Use of Excess Parking shall be necessary when one or more of the following thresholds apply:
 - 1. A request to declare required off-street parking is in excess of the need for the use on the subject property.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Use of Excess Parking. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Use of Excess Parking application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 - 1. The proposal satisfies the threshold requirements for a Use of Excess Parking application.
 - 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 - 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
 - 4. Excess parking accounts for a minimum of 20% of the required parking for all uses of the site;
 - 5. Excess parking has existed for the previous 180 days;
 - 6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

40.55.15.3.

- D. Submission Requirements. An application for Use of Excess Parking shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Use of Excess Parking application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Use of Excess Parking application to ensure compliance with the approval criteria.
- F. Appeal of Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Previous approval of Use of Excess Parking application shall not be extended.

